

UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

FOOD LION, LLC and MARYLAND AND VIRGINIA
MILK PRODUCERS COOPERATIVE
ASSOCIATION,

Plaintiff(s)

v.

DAIRY FARMERS OF AMERICA, INC.,

Defendant(s)

Civil Action No. 1:20-cv-442

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* DAIRY FARMERS OF AMERICA, INC.
c/o Corporation Service Company
251 Little Falls Drive
Wilmington, DE 19808

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Ryan G. Rich
Hunton Andrews Kurth LLP
Bank of America Plaza
101 South Tryon Street, Suite 3500
Charlotte, NC 28280
Attorneys for Plaintiff Food Lion, LLC

Jason D. Evans
Troutman Sanders LLP
301 S. College Street, 34th Floor
Charlotte, NC 28202
Attorneys for Plaintiff Maryland and Virginia
Milk Producers Cooperative Association

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.



John S. Brubaker
Clerk

/s/ Jamie L. Sheets
Deputy Clerk

May 19, 2020
Date

Civil Action No. 1:20-cv-442

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Dairy Farmers of America, Inc.
was received by me on *(date)* May 19, 2020 .

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☒ Other *(specify)*: The Summons and Complaint, along with initial case opening documents, were served on Dairy Farmers of America, Inc., by certified mail, return receipt requested (Article No. 7018 0680 0000 2521 4367). Service was made on its registered agent, Corporation Service Company and was received May 26, 2020. See attached Exhibit A for proof of service.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: June 9, 2020

s/ Ryan G. Rich

Server's signature

Ryan G. Rich, N.C. Bar No. 37015

Counsel for Plaintiff Food Lion, LLC

Printed name and title

Hunton Andrews Kurth LLP

101 South Tryon Street, Suite 3500

Charlotte, NC 28280

Server's address

Additional information regarding attempted service, etc:

EXHIBIT A

PROOF OF SERVICE

May 20, 2020

Certified Mail, Return Receipt Requested – Article # 7018 0680 0000 2521 4367

Dairy Farmers of America, Inc.
c/o Corporation Service Company
251 Little Falls Drive
Wilmington, DE 19808

Re: Food Lion, LLC, *et al.* v. Dairy Farmers of America, Inc.,
USDC MDNC Civil Case No.: 1:20-cv-00442

Dear Sir/Madam:

Dairy Farmers of America, Inc., is hereby served with the following:

1. Issued Summons to Dairy Farmers of America, Inc.;
2. Complaint;
3. Appearance of Counsel – Ryan G. Rich for Food Lion, LLC;
4. Corporate Disclosure Statement of Food Lion, LLC
5. Appearance of Counsel – A. Todd Brown, Sr. for Food Lion, LLC;
6. Appearance of Counsel – John S. Martin for Food Lion, LLC;
7. Appearance of Counsel – Kevin Hahm for Food Lion, LLC;
8. Appearance of Counsel – Carter C. Simpson for Food Lion, LLC;
9. Appearance of Counsel – Jason D. Evans for MDVA;
10. Corporate Disclosure Statement of MDVA;
11. Notice of Right to Consent; and
12. List of Mediators.

HUNTON
ANDREWS KURTH

Dairy Farmers of America, Inc.

May 20, 2020

Page 2

Sincerely,

Barbara Evers / LEG

Barbara Evers
Senior Paralegal

Enclosures

SENDER: COMPLETE THIS SECTION

- ☒ Complete items 1, 2, and 3.
- ☒ Print your name and address on the reverse so that we can return the card to you.
- ☒ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dairy Farmers of America, Inc.
c/o Corporation Service Co.
251 Little Falls Drive
Wilmington, DE 19808



9590 9403 0169 5120 6764 79

2. Article Number (Transfer from service label)

7018 0680 0000 2521 4367

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Mail
- ☐ Mail Restricted Delivery
- ☐ (D)

- ☐ Priority Mail Express®
- ☒ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☒ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL USE

Certified Mail Fee

- Extra Services & Fees (check box, add fee as appropriate)
- ☐ Return Receipt (hardcopy) \$
 - ☐ Return Receipt (electronic) \$
 - ☐ Certified Mail Restricted Delivery \$
 - ☐ Adult Signature Required \$
 - ☐ Adult Signature Restricted Delivery \$

Postage

Total Postage and Fees \$

Sent To
Dairy Farmers of America Corporation Service Company
Street and Apt. No., or PO Box No.
251 Little Falls Drive
City, State, ZIP+4®
Wilmington, DE 19808

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee

- Extra Services & Fees (check box, add fee as appropriate)
- ☐ Return Receipt (hardcopy) \$
 - ☐ Return Receipt (electronic) \$
 - ☐ Certified Mail Restricted Delivery \$
 - ☐ Adult Signature Required \$
 - ☐ Adult Signature Restricted Delivery \$

Postage

Total Postage and Fees \$

Sent To
Dairy Farmers of America Corporation Service Company
Street and Apt. No., or PO Box No.
251 Little Falls Drive
City, State, ZIP+4®
Wilmington, DE 19808

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box•

A. Todd Brown, Sr., Esq.
Hunton Andrews Kurth LLP
Bank of America Plaza
101 South Tryon Street
Suite 3500
Charlotte, NC 28280



9590 9403 0169 5120 6764 79

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- Print your name and address on the reverse so that we can return the card to you.
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Dairy Farmers of America, Inc.
c/o Corporation Service Co.
251 Little Falls Drive
Wilmington, DE 19808



9590 9403 0169 5120 6764 79

2. Article Number (Transfer from service label)

7018 0680 0000 2521 4367

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? If YES, enter delivery address below:

☒ Yes
☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Mail Restricted Delivery (0)

- ☐ Priority Mail Express®
- ☒ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☒ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

UNITED STATES POSTAL SERVICE

- Sender: Please print your name, address, and ZIP+4® in this box*

A. Todd Brown, Sr., Esq.
Hunton Andrews Kurth LLP
Bank of America Plaza
101 South Tryon Street
Suite 3500
Charlotte, NC 28280



9590 9403 0169 5120 6764 79

ALERT: DUE TO LIMITED TRANSPORTATION AVAILABILITY AS A RESULT OF NATIONWIDE CO...**USPS Tracking®****FAQs >****Track Another Package +****Tracking Number:** 70180680000025214367

Remove X

Your item was delivered at 8:38 am on May 26, 2020 in WILMINGTON, DE 19808.

 **Delivered**May 26, 2020 at 8:38 am
Delivered
WILMINGTON, DE 19808**Get Updates** ✓

Feedback

Text & Email Updates**Tracking History****May 26, 2020, 8:38 am**

Delivered

WILMINGTON, DE 19808

Your item was delivered at 8:38 am on May 26, 2020 in WILMINGTON, DE 19808.

May 23, 2020, 10:33 am

Delivery Attempted - No Access to Delivery Location

WILMINGTON, DE 19808

May 23, 2020, 10:06 am

Out for Delivery

WILMINGTON, DE 19808

May 23, 2020, 9:55 am

Arrived at Unit

WILMINGTON, DE 19808

May 22, 2020, 6:53 pm

Departed USPS Regional Facility

WILMINGTON DE DISTRIBUTION CENTER

May 22, 2020, 4:53 pm

Arrived at USPS Regional Facility

WILMINGTON DE DISTRIBUTION CENTER

May 22, 2020

In Transit to Next Facility

May 20, 2020, 9:38 pm

Arrived at USPS Regional Facility

CHARLOTTE NC DISTRIBUTION CENTER

Feedback

Product Information**See Less**

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FAQs